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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,732	05/30/2001	Kenji Nagata	1232-4718	6801
27123	7590	04/08/2004	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 345 PARK AVENUE NEW YORK, NY 10154			SAFAIPOUR, HOUSHANG	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/867,732

Applicant(s)

NAGATA, KENJI

Examiner

Houshang Safaipoor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-14 is/are rejected.
- 7) ☒ Claim(s) 6-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 10, 11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Endo (U.S. Patent No. 5,489,992).

Regarding claim 1, Endo discloses an image sensor in which function members including a light source for irradiating an object to be read with light, a sensor for receiving light reflected by the object to be read, and an imaging element for forming an image of the reflected light on a light-receiving portion of the sensor are attached to and supported by a support member to have a predetermined positional relationship, wherein the support member is formed to have a hollow shape (fig. 1, non shaded areas are considered as being hollow).

Regarding claim 2, Endo discloses the sensor according to claim 1, wherein the support member is formed to have the hollow shape except for storage spaces for the function members (fig. 1).

Regarding claim 3, Endo discloses the sensor according to claim 1, wherein the support member is formed to have the hollow shape along a longitudinal direction thereof (fig. 1).

Regarding claim 4, Endo discloses the sensor according to claim 3, wherein two side portions of the support member are formed to have a hollow shape, and are coupled at end

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portions in the longitudinal direction of the support member (fig. 1).

Regarding claim 5, Endo discloses the sensor according to claim 1, wherein no openings are formed on two outer surfaces of the support member (fig. 1).

Regarding claim 10, Endo discloses an image processing apparatus for reading and processing image information from an object to be read using an image sensor according to claim 1 (fig. 1, col. 3, lines 28-59).

Regarding claim 11, Endo discloses the apparatus according to claim 10, wherein a flatbed type image sensor unit is used (fig. 1, col. 3, lines 28-59).

Regarding claim 14, Endo discloses an information processing system comprising an image processing apparatus according to claim 10, and an external information processing apparatus for controlling the image processing apparatus (col. 4, lines 6-32).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Endo (U.S. Patent No. 5,489,992), and further in view of Toyomura et al. (U.S. Patent No. 5,796,928).

Regarding claim 12, Endo does not explicitly disclose the apparatus according to claim 10, wherein a sheet-feeder type image sensor unit is used. Toyomura discloses an image reading device with Automatic Document Feeder (ADF) (fig. 1). Therefore it would have been obvious

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to a person of an ordinary skill in the art at the time the invention was made to use Toyomura's apparatus in Endo's system to add automatic document feeding capabilities to Endo's invention.

***Claim Rejections - 35 USC § 112***

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites "driving means for changing a relative position **between** the image sensor and an object to be read".

Referring to fig. 7 (also page 11 of the specification), image sensor 200 travels in sub-scan direction and therefore the relative position between the sensor and the document remains unchanged.

***Allowable Subject Matter***

Claims 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor  
Patent Examiner  
Art Unit 2622  
March 31, 2004

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
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